

APPENDIX E



FLSA Letter, CECW-OE, Overtime Rate for Employees Performing work for FEMA 22 February 1999

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO ATTENTION OF:
CECW-OE

MEMORANDUM FOR Commanders, Major Subordinate Commands

Subject: Overtime Rate for Employees Performing Work for the Federal Emergency Management Agency

1. References:

a. 5 ,Code of Federal Regulations (CFR) 551.208.

b. Federal Emergency Management Agency (FEMA) memorandum dated 2 September 1997, subject: Reimbursement to Federal Departments and Agencies for Mission Assignment Labor Costs (copy enclosed).

2. During the past nine years, the U.S. Army Corps of Engineers has re-classified employees exempt status to a non-exempt status when performing work under the emergency provisions of the Fair Labor Standards Act (FLSA), reference La, when applicable. One of the results of this action has been payment of FLSA overtime rates at 1/2 times base pay, to personnel not normally entitled to such compensation. The Corps is now the only Federal agency that interprets the emergency provisions of 5 CFR 551.208 in this way. All other Federal agencies, to include FEMA, are more stringent in defining emergency work.

3. This disparity in compensation has been the source of strained relations between the Corps and other Federal agencies. Additionally, FEMA has informed us that they will no longer reimburse us at a rate higher than GS 10 step 1 (approximately \$26.65 per hour), except in those extremely rare cases where FEMA determines such action to be prudent. Therefore, effective immediately, the Corps is altering the way it interprets the emergency provisions of the FLSA. The enclosed sheet provides specific information in this regard. It should be made available to your emergency manager, resource manager and human resource personnel.

4. This action reflects a significant change in the way we have reimbursed some of our personnel performing response and recovery work. Therefore, please assure that all personnel who are likely to perform such work in the future clearly understand the ramifications of this change.

5. Commanders are reminded that prior to implementation of a change to working conditions of bargaining unit employees, local unions must be offered the opportunity to conduct impact and implementation bargaining in accordance with the provisions of the local collective bargaining agreement.

A handwritten signature in black ink, appearing to read "Joe N. Ballard".

JOE N. BALLARD
Lieutenant General, USA
Commanding

2Encls

U.S. Army Corps of Engineers
Policy and Procedures for Determining Non-Exempt Status under the Emergency
Provisions of the Fair Labor Standards Act (5 CFR 551.208)

1. During the past nine years, the U.S. Army Corps of Engineers has been one of only two agencies performing Mission Assignment work for FEMA under the Federal Response Plan who have utilized an "emergency" provision of reference 1.a. to re-classify employees exempt from the provisions of the Fair Labor Standards Act (FLSA) (typically those at the GS-11 and above level) to non-exempt status as a result of the lower graded work being performed by that individual in their temporary emergency position. The duties of these positions are related to a Presidentially Declared Disaster under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended [42 United States Code (USC) 5121, *et seq.*]. These re-classification actions permitted Corps employees to be paid at the overtime rate of 1 1/2 times of their regular hourly rate of pay (i.e. a GS-12 step 5 making approximately \$26.50 per hour receives \$39.75 per hour). Employees who are exempt from the FLSA would be paid at 1 1/2 times the hourly rate of basic pay at the minimum rate for GS 10 (approximately \$26.65 for the locality pay area of Washington-Baltimore, DC-MD-VA-WV).
2. This situation, where Corps employees are in many cases working side by side with those of Other Federal Agencies (OFAs) but receiving significantly more in the way of overtime pay has strained the working relationship between ourselves and FEMA and other Federal agencies.
3. FEMA has issued a memorandum (copy enclosed) (which although dated 2 September 1997, we have just recently obtained) stating that they will not reimburse Federal departments and agencies performing mission assignments under the Stafford Act for labor costs for overtime which exceed the rate of pay for their position of record. In essence, FEMA will no longer reimburse Federal departments and agencies for overtime compensation computed under the emergency provision of 5 C.F.R. 551.208(d) which allows an employee to be reclassified as nonexempt from the overtime provisions of the FLSA (except in those extremely rare cases where FEMA determines such action to be prudent).
4. Since FEMA has the authority to declare an "emergency" under the Stafford Act, applicable to the FLSA provisions, we will coordinate any such declaration at the Headquarters level of both agencies. In cases where FEMA does declare an emergency, the exempt/nonexempt status under the FLSA for each responding employee will be decided locally. In those rare instances where the "emergency" provision is invoked, we will so advise you. If you are not so advised, no such determination has been made. All requests for volunteers must specify whether or not the circumstances for which they will be engaged meet the emergency definition.
5. If FEMA does not declare an "emergency" under the Stafford Act, and a division commander disagrees with that determination, they should prepare their recommendation and forward it through their Emergency Operations Center to the Headquarters Operations Center for review and decision by the Commander, USACE. If the Commander, USACE agrees with the division commander, they will then be in a position to make a determination regarding the exempt/nonexempt status under the FLSA.
6. The situations where an "emergency" exists will certainly not include work done involving recovery activities such as Quality Assurance (QA)/Quality Control (QC) oversight of contractor work or developing Damage Survey Reports (DSRs).



Federal Emergency Management Agency

Washington, D.C. 20472

MEMORANDUM FOR See Distribution List

SEP 2 1997

Lacy E. Suiter
Executive Associate Director
Response and Recovery Directorate

Gary D. Johnson
Chief

SUBJECT: Reimbursement to Federal Departments and Agencies for
Mission Assignment Labor Costs

This is to inform you that the Federal Emergency Management Agency (FEMA) will reimburse Federal departments and agencies performing mission assignments for their employees at no **higher than the rate of pay** for their position of record. FEMA will not reimburse at a rate based **upon an interim** classification of the temporary job the employee performs during disaster duty. This means that FEMA will reimburse for employees performing mission assignments at the status assigned their position of record with respect to exemption or non-exemption from the Fair Labor Standards Act (FLSA).

This policy applies to all mission assignments issued from this date forward. It does not apply to any mission assignments that have been issued, but have not been fully closed at the time of this correspondence. **This policy will be included in a larger list of "Mission Assignment Eligible Costs for Reimbursement" which is being drafted by the Mission Assignment Policy Work Group on Eligible Costs for the Emergency Support Function Leaders Group to review. .**

Any questions or concerns regarding FLSA may be directed to Ms. Dianne Bona at (202) 646-3962. Any questions regarding mission assignments may be directed to Mr. Bruce P. Baughman at (202) 646-3691.

Attachment

DISTRIBUTION

Emergency Support Function Leaders Group
Regional Directors, FEMA Regions I-X
Regional Response and Recovery Division Directors
Deputy Associate Directors,, Response and Recovery
Division Directors, Response and Recovery Directorate
Division Directors, Response and Recovery, FEMA Regions
Division Directors, Office of Financial Management .
Director, Office of Human Resources
General Counsel Inspector General

FLSA Letter, CECW-OE/CEHR-E, Overtime Rate for Employees Performing Work in Response to Emergencies, 5 Apr 1999

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

CECW-OE/CEHR-E

5 APR 1999

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Overtime Rate for Employees Performing Work in Response to Emergencies

1. References:

a. CECW-OE memorandum dated 22 February 1999, subject: Overtime Rate for Employees Performing Work for the Federal Emergency Management Agency.

b. 5 Code of Federal Regulations (CFR) 551.208.

2. The policy determination outlined in the 22 Feb 99 memo dealt specifically with work the Corps does for the Federal Emergency Management Agency (FEMA). This policy also applies to work done for Other Federal Agencies (OFAS) who request support from the Corps in similar situations. It was made clear that there will be few instances in which Corps employees will work under conditions that meet the criteria for emergency situations under 5 CFR 551.208(d). Since the 22 Feb 99 memo was issued, we have been asked to clarify a number of issues. This memorandum will address these issues and provide additional guidance regarding employees performing temporary work for FEMA. We are particularly concerned with the payment of overtime under the provisions of the Fair Labor Standards Act (FLSA).

3. Corps employees providing assistance at FEMA's request are more likely to perform temporary work that meets the provisions of 5 CFR 551.208(a) - (c). This criteria is applicable when an employee must temporarily perform work or duties that are not consistent with the primary or grade-controlling duty of the employee's official position description. Exempt employees at GS-7 or above who perform the temporary work described above remain exempt for the entire period of temporary work or duties unless all three of the following conditions are met:

- a. The period of temporary work or duties exceeds 30 calendar days, and;
- b. the employee's primary duty for the period of temporary work or duties is not exempt work or duty as defined above; and

CECW-OE/CEHR-E

SUBJECT: Overtime Rate for Employees Performing Work in Response to Emergencies

c. the employee's position (including a position to which the employee is temporarily promoted) is properly classified in the General Schedule at GS-7 or above or properly classified in the Federal Wage System as a supervisor at situation 3 or 4 of Factor I of the Federal Wage System Job Grading Standard for Supervisors, or the equivalent level in other comparable wage systems. Criteria for non-exempt employees and exempt employees at GS-5 or GS-6 are also addressed in the CFR.

4. Requests for volunteers will clearly identify the duties to be performed and an assessment of whether or not the duties are exempt or nonexempt. Human Resources personnel are available to assist in making these assessments which will assist in insuring the right grades/categories of people are sent in response to the request. Commanders and on-site managers are responsible for assuring that work performed in conjunction with a disaster are consistent with the information provided in the temporary duty support request.

5. All managers are reminded that the Corps is responsible for any FLSA overtime incurred under either the emergency or the 30-day criteria, whether the work performed was under its own authority or in support of FEMA or OFAS. Since FF-MA and OFAs will not reimburse the Corps for overtime exceeding the status assigned to their position of record, the Corps will be liable for any nonexempt over-time performed by employees whose position of record is exempt. Since the Flood Control and Coastal Emergencies (FC&CE) Appropriation, 96X3125, is not available for this purpose, each commander will be responsible for assuring funds exist in either the General Expense or the District Overhead account to cover these expenses. While it is appropriate to fund over-time work dealing with flood fighting and related duties under FC&CE (Public Law 84-99), prudent management of our fiscal resources dictates that commanders should ensure the same process applies as indicated above.

6. Extensions for more than 30 days of an exempt employee performing nonexempt work for more than 25 percent of the time must be approved by the Commander, Deputy Commander, or Resource Management representative with fiscal responsibility. This will assure that funds are available for overtime in excess of that reimbursed by FEMA or OFAS. If you need nonexempt work performed in excess of these limits and there are not a sufficient number of nonexempt employees available to perform such duties, other options, such as contracting out nonexempt work should be considered.

EP 37-1-6
31 Aug 07

CECW-OE/CEHR-E

SUBJECT: Overtime Rate for Employees Performing Work in Response to Emergencies

7. Changes reflected in reference 1.a and this memorandum will be provided in the update to Engineer Regulation 11-1-320, Civil Works Emergency Management Programs.

FOR THE COMMANDER:

/S/
RUSSELL L. FUHRMAN
Major General, USA
Director of Civil Works

TRAVEL AS HOURS OF WORK

- A. Travel as hours of work is compensable according to an employee's FLSA status.
- B. Official travel must be ordered and approved. To the greatest extent possible, employees should not be required to travel during non-duty hours (5CFR 610.123) during initial and final deployment travel. Travel as hours of work entitlements will be determined according to the employee's deployment tour of duty (TOD). The deployment TOD applies when the employee commences travel to the deployment site and ends upon the employee's completion of return to home station travel. Travel resulting from a temporary return to the PDS in the middle of a deployment is considered part of the deployment tour, and as such, employees will remain on the deployment TOD for this type of travel. ***Note*** if the temporary return is not required for work purposes, although the employee's TOD does not change, the travel is NOT considered hours of work for overtime purposes or Compensatory Time Off for Travel because although the travel may occur during an employee's administrative workweek, it is neither required, nor for work purposes.
- C. Although deployment travel is included in the deployment TOD, being on a 12-hour a day TOD does not automatically entitle employees to 12 hours of pay. There must be 12 hours of work performed. Some of the 12 hours may consist of travel if the travel is considered hours of work.
- D. It is not the phase of the emergency that impacts overtime entitlements for travel as hours of work; rather, it is whether the travel is considered hours of work.
- E. Most Wage Grade employees are non-exempt and follow non-exempt travel rules; additionally, collective bargaining agreements must be followed.
- F. For exempt employees, travel is considered hours of work under conditions a-e. For non-exempt employees, travel is considered hours of work under conditions f-h.
1. **CONDITIONS:**
 - a. (N/E) Travel is within an employee's regularly scheduled administrative workweek (including regularly scheduled overtime)
 - b. (N/E) Travel involves the performance of work while traveling
 - c. (N/E) Travel is incident to travel that involves the performance of work while traveling
 - d. (N/E) Travel is carried out under arduous or unusual conditions
 - e. (N/E) Travel results from an event that could not be scheduled or controlled administratively. Travel as Hours of Work Under condition 5 is not administratively controlled.
 - f. (N) Employee drives a vehicle or performs other work while traveling (driving is not considered work for exempt employees; driving is considered work for non-exempt employees regardless of whether it occurs during duty hours)
 - g. (N) Travel is as a passenger on a one day assignment away from the official duty station
 - h. (N) Travel is as a passenger on an overnight assignment away from official duty station during hours on non-work days that correspond to employee's regular working hours (NOTE: non-exempt employees are paid OT travel on the regular day off during hours which correspond to the TOD; travel is on the deployment TOD).

2. To be considered hours of work, travel resulting from an event which could not be scheduled or controlled Administratively (paragraph F.1.e.) should meet the Comptroller General's two-pronged test (69 Comp. Gen. 385, 386 (1990)(Schacht); Comp Gen No. B-227489). First, the event requiring off-duty travel must not be administratively controllable. Second, there must be an immediate official necessity for the travel. In determining immediate official necessity, the Comp. Gen. looks at the actual necessity for immediate travel. To qualify as hours of work under condition 5 above, employees who are required to travel immediately should meet both conditions of the Comp. Gen. two-pronged test, i.e. there must be a total lack of government control in the scheduling of an event, and there must also be an actual necessity for immediate travel (47 FLRA No. 73, June 2, 1993).

Compensatory Time for Travel

- Compensatory Time for Travel is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not compensable.
- "Employee" includes both FLSA exempt and non-exempt, but not prevailing rate employees or members of the SES.
- CTT can only be earned for travel time that is not otherwise compensable. Therefore, if travel is considered hours of work, and therefore compensable through a pay provision, the travel is not creditable under CTT regulations.
- The travel must be officially authorized. In other words, travel must be for work purposes and must be approved by an authorized agency official or otherwise authorized under established agency policies.
- For the purpose of compensatory time off for travel, time in a travel status includes—
 - Time spent traveling between the official duty station and a temporary duty station;
 - Time spent traveling between two temporary duty stations; and
 - The "usual waiting time" that precedes or interrupts such travel (e.g., waiting at an airport or train station prior to departure). The employing agency has the sole and exclusive discretion to determine what is creditable as "usual waiting time." An "extended" waiting period—i.e., an unusually long wait during which the employee is free to rest, sleep, or otherwise use the time for his or her own purposes—is not considered time in a travel status.
- For every 8.5 hours of travel time, a half hour lunch must be subtracted unless it is continuous travel.
- Commuting Time—
 - Travel outside of regular working hours between an employee's home and a temporary duty station or transportation terminal outside the limits of his or her official duty station is considered creditable travel time. However, the agency must deduct the employee's normal home-to-work/work-to-home commuting time from the creditable travel time.

- o Travel outside of regular working hours between a worksite and a transportation terminal is creditable travel time, and no commuting time offset applies.

- o Travel outside of regular working hours to or from a transportation terminal within the limits of the employee's official duty station is considered equivalent to commuting time and is not creditable travel time.

- Compensatory time off for travel is forfeited—

- o If not used within 26 pay periods
 - o Upon voluntary transfer to another agency;
 - o Upon movement to a noncovered position; or

Upon separation from the Federal Government. Under no circumstances may an employee receive payment for unused compensatory time off for travel.

- o Compensatory time off for travel may not be considered in applying the biweekly or annual premium pay caps or the aggregate limitation on pay. There is no limitation on the amount of compensatory time off for travel an employee may earn.

- o The key to determining CTT entitlements is whether the travel is creditable as hours of work. **If the travel is creditable as hours of work, the employee is compensated through regular or overtime pay, and therefore NOT entitled to CTT. If an employee can receive overtime for the travel, the employee cannot receive CTT.**

- o In distinguishing an exempt employee's entitlement to overtime versus CTT, focus has previously been on the disaster phase to determine the application of "an event that cannot be controlled administratively." However, the actual disaster phase is immaterial. The relevant pieces of information are (a) the tour of duty, (b) the FLSA exemption status, and (c) whether the travel is considered hours of work.

When travel is interrupted by inclement weather, employees are entitled to CTT only for travel time and usual waiting time. An extended waiting period (such as one caused by inclement weather) would not count because during that time, an employee is free to do what he chooses. The travel time that occurred during the regularly scheduled administrative workweek would also not be compensable with CTT because the employee is entitled to pay for those hours (remember, initial deployment travel and return to home station travel are on the deployment TOD).

- o If travel under normal circumstances takes more than one day (i.e. from OCONUS to CONUS), entitlements are consistent with hours of work. The employee is entitled to regular pay or overtime pay for hours of travel occurring during the regularly scheduled administrative workweek. The employee is entitled to CTT for hours not otherwise compensable. However, only the time traveling and usual waiting time meet the CTT criteria. Extended waiting time, during which an employee is free to engage in activities of his own choosing, is not compensable with CTT.

Excessive Commute from Hotel to Temporary Duty Station

Excessive commute from hotel to temporary duty station: Under limited conditions, excessive commute time from the hotel to the temporary duty site may be compensable. The determination of what part of the travel can be considered hours of work must be determined on a case-by-case basis, and must be approved by the supported (lead) district commander or designated representative. To determine if the excessive travel is compensable, two questions must be answered: Is the travel itself considered hours of work? and if yes, how much of the travel is compensable?

1. To determine if the travel will be considered hours of work, we can look at the conditions set forth in Title V and under the FLSA, as well as the employees' exemption status.

For exempt employees, travel is considered hours of work under conditions 1-5. For non-exempt employees, travel is considered hours of work under conditions 1-8.

Conditions:

- (1) Travel is within an employee's regularly scheduled administrative workweek
 - (2) (N/E) Travel involves the performance of work while traveling
 - (3) (N/E) Travel is incident to travel that involves the performance of work while traveling
 - (4) (N/E) Travel is carried out under arduous or unusual conditions
 - (5) (N/E) Travel results from an event that could not be scheduled or controlled administratively
 - (6) (N) Employee drives a vehicle or performs other work while traveling
 - (7) (N) Travel is as a passenger on a one day assignment away from the official duty station
 - (8) Travel is as a passenger on an overnight assignment away from official duty station during hours on non-work days that correspond to employee's regular working hours.
- Normal commuting time from home to work and from work to home is not hours of work for exempt or non-exempt employees (5 CFR 551.422(b).) For an employee assigned to a temporary duty station overnight, normal "home-to-work/work-to-home" commuting also includes travel between the employee's temporary place of lodging and a work site within the limits of the temporary duty station.
 - The commute to the temporary duty station from the lodging site is not considered hours of work under **condition 5** (travel resulting from an event which could not be controlled administratively) because any travel compensable under this condition would have already occurred with the initial requirement to deploy in response to the emergency. To use condition 5 again, the travel would have to "re-qualify" (Comp Gen, B-237852).

- The travel is considered hours of work if it is carried out under unusual or arduous conditions (condition 4). The determination of what is arduous can be made by the local Commander or designated representative; however, "a long commuting time...is not sufficient by itself to qualify the travel as arduous." (Comp Gen, B250889). In determining the existence of arduous conditions, the following points within the Comp Gen decision should be considered:
 - Travel under arduous conditions is described as travel over unusually adverse terrain, during severe weather conditions, or to remote, barely accessible facilities by foot, horseback or truck.
 - Travel by automobile outside the employee's regular workweek, even for a long period, absent unusual circumstances, does not constitute travel under arduous conditions.
 - Neither the time when travel is performed, nor the amount of time spent traveling, make the conditions of travel arduous. Hazardous conditions of travel are not necessarily arduous conditions of travel.
 - Heavy traffic, bad weather, and long delay are not conditions which make travel time arduous.

(2) If the determination is made that the travel is considered hours of work under any of the 8 conditions, then only the travel **beyond the employees' normal commute when at home station**, is considered compensable as hours of work (example: if the normal commute is 30 minutes, and travel from hotel to duty site takes 2 hours and is under arduous conditions, only 1 hour and 30 minutes is considered work).



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

SEP 13 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Waiver of the Biweekly Limitation on Premium Pay

Section 5547(b) of title 5, United States Code, as regulated by title 5, Code of Federal Regulations 550.105 through 550.107, requires agencies to pay premium pay to covered employees who perform work in connection with an emergency or its aftermath under an annual limitation rather than a biweekly limitation on premium pay. For the Department of Defense (DoD), the authority to determine that an emergency exists has been delegated to officials who exercise personnel appointing authority (normally the head of an installation or activity). DoD policy for this authority is found at <http://www.cpms.osd.mil/cpm/docs/M1400550.pdf>.

Once an emergency is declared, the biweekly maximum earnings limitation on premium pay is waived until the emergency is terminated. However, the waiver does not increase the amount employees can receive for the calendar year. Employees paid under an annual limitation receive premium pay only to the extent that the total amount of basic pay and premium pay payable for the calendar year does not exceed the maximum rate that can be paid for GS-15 (including applicable locality pay) or level V of the Executive Schedule, whichever is greater.

My point of contact concerning this matter is Ms. Mary Olson. Ms. Olson can be reached at (703) 696-1721.

A handwritten signature in blue ink, which appears to read "Marilee Fitzgerald", is positioned above the printed name.

Marilee Fitzgerald
Acting Deputy Under Secretary
Civilian Personnel Policy

SAMPLE

(LETTERHEAD)

(Office Symbol)

MEMORANDUM FOR

Defense Finance and Accounting Service (DFAS-IN/CP),
8899 E 56th Street, Indianapolis, IN 46249

SUBJECT: Waiver of Limitation on Biweekly Civilian Pay

1. Reference: Memorandum, Assistant G-1 for Civilian Personnel Policy, 4 April 2003, subject: Premium Pay Limitations

Paragraph 2 initiated by Lead District Commander (Blanket Waiver):

2. Effective (Date), a blanket waiver is authorized for those employees subject to the the biweekly pay limitation in support of Hurricane _____ (or other specific event). Specific Names, SSN's and Start - End dates will be provided as they become available by individual USACE EOC Managers in support of the event.

Paragraph 2 initiated by EOC Manager (to identify specific employees):

2. Effective the date listed below, the following employee(s) are no longer subject to the biweekly pay limitation until the listed end date or otherwise notified.

<u>SSN</u>	<u>Name</u>	<u>Start</u>	<u>End(if known)</u>
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3. The POC for this action is (name), (office symbol), (DSN number), (E-mail address).

SIGNED BY COMMANDER (or EOC Manager if
the Supported (Lead) District Commander has
done Blanket Waiver)

EP 37-1-6
31 Aug 07

CESAJ-CP (690-600)

MEMORANDUM FOR (NAME OF DEPLOYED PERSONNEL)

SUBJECT: Regularly Scheduled Administrative Workweek During Emergency Operations

1. Due to the current emergency _____(name of emergency), you have been tasked to provide emergency assistance to the _____(name of supported MSC/District). As a result, you are placed on the following work schedule for the duration of your assignment.

Sunday through Saturday - 0700-1930

2. Effective _____(current date), your basic 40 hour workweek is Monday through Friday from 0700 to 1530 with an unpaid one half hour for lunch. Your regularly scheduled administrative workweek is as shown above; it includes 4 hours of scheduled overtime each day, with 1.5 hours of this overtime paid with night differential pay each day. In accordance with 5 CFR section 550.121, night work is regularly **scheduled** work performed by an employee between the hours of 1800 and 0600. Hours in excess of the above tour of duty will be overtime with no additional night differential pay authorized. They will be entered in CEFMs as unscheduled overtime. Work conducted on Saturday and Sunday will be considered regular overtime with the same night differential rule applying. This tour of duty will remain in effect for the duration of your assignment or until otherwise directed by the Jacksonville District.

FOR THE COMMANDER:

Signature
Title

Sample Letter for Tour of Duty – Prevailing Employee (Shift 1)

CEPOH-HR (690-600)

MEMORANDUM FOR (Wage Employees Name)

SUBJECT: Regularly Scheduled Administrative Workweek During Emergency Operations

1. Due to the current emergency (Event Name), you have been tasked to provide emergency assistance to the (Your Districts Name). As a result, you are placed on the following work schedule for the duration of your assignment.

Sunday through Saturday 0700-1930

2. Effective (date), your basic 40-hour workweek is Monday thru Friday from 0700-1530 with an unpaid 30-minute meal period. **Your regularly scheduled administrative workweek is shown in bold above; it includes 4 hours of scheduled overtime each day Monday through Friday and 12 hours of scheduled overtime each day Saturday and Sunday.** In accordance with 5 CFR Section 532.505, wage employees are entitled to night shift differentials governed by the following shift schedules; **First Shift (0700-1600), Second Shift (1500-2400), and Third Shift (2300-0800).** **As a result, your regularly scheduled nonovertime hours fall into First Shift (0700-1530). Since the majority of hours fall in First Shift, your entire shift (regular and overtime) is authorized to be First Shift. All regular time and overtime (scheduled and unscheduled) will be input into CEFMS as Shift code 1.** This tour of duty will remain in effect for the duration of your assignment or until otherwise directed by your TDY immediate supervisor.

FOR THE COMMANDER:

(Your Emergency Manager's Name)
Emergency Manager

Sample Letter for Tour of Duty – Prevailing Employee (Shift 2)

CEPOH-HR (690-600)

MEMORANDUM FOR (Wage Employees Name)

SUBJECT: Regularly Scheduled Administrative Workweek During Emergency Operations

1. Due to the current emergency (Event Name), you have been tasked to provide emergency assistance to the (Your Districts Name). As a result, you are placed on the following work schedule for the duration of your assignment.

Sunday through Saturday 1200-0030

2. Effective (date), your basic 40-hour workweek is Monday thru Friday from 1200-2030 with an unpaid 30-minute meal period. **Your regularly scheduled administrative workweek is shown in bold above; it includes 4 hours of scheduled overtime each day Monday through Friday and 12 hours of scheduled overtime each day Saturday and Sunday.** In accordance with 5 CFR Section 532.505, wage employees are entitled to night shift differentials governed by the following shift schedules; **First Shift (0700-1600), Second Shift (1500-2400), and Third Shift (2300-0800).** **As a result, your regularly scheduled nonovertime hours fall into First Shift (1200-1500, 3 hours) and Second Shift (1500-0030, 5 hours). Since the majority of hours fall in Second Shift, your entire shift (regular and overtime) is authorized to be Second Shift. All regular time and overtime (scheduled and unscheduled) will be input into CEFMS as Shift code 2.** This tour of duty will remain in effect for the duration of your assignment or until otherwise directed by your TDY immediate supervisor.

FOR THE COMMANDER:

(Your Emergency Manager's Name)
Emergency Manager

Sample Letter for Tour of Duty – Prevailing Employee (Shift 3)

CEPOH-HR (690-600)

MEMORANDUM FOR (Wage Employees Name)

SUBJECT: Regularly Scheduled Administrative Workweek During Emergency Operations

1. Due to the current emergency (Event Name), you have been tasked to provide emergency assistance to the (Your Districts Name). As a result, you are placed on the following work schedule for the duration of your assignment.

Sunday through Saturday 2200-1030

2. Effective (date), your basic 40-hour workweek is Monday thru Friday from 2200-0630 with an unpaid 30-minute meal period. **Your regularly scheduled administrative workweek is shown in bold above; it includes 4 hours of scheduled overtime each day Monday through Friday and 12 hours of scheduled overtime each day Saturday and Sunday.** In accordance with 5 CFR Section 532.505, wage employees are entitled to night shift differentials governed by the following shift schedules; **First Shift (0700-1600), Second Shift (1500-2400), and Third Shift (2300-0800).** As a result, your regularly scheduled nonovertime hours fall into **Second Shift (2200-2400, 2 hours) and Third Shift (2300-0630, 7.5 hours).** Since the majority of hours fall in Third Shift, your entire shift (regular and overtime) is authorized to be Third Shift. All regular time and overtime (scheduled and unscheduled) will be input into CEFMS as Shift code 3. This tour of duty will remain in effect for the duration of your assignment or until otherwise directed by your TDY immediate supervisor.

FOR THE COMMANDER:

(Your Emergency Manager's Name)
Emergency Manager

Sample Travel Day Form

Travel Day:

Location	Date	Actual time	Zulu time
Depart _____			
Arrived _____			

Please indicate any delays during your travel:

If you went directly to work from the airport or directly to the airport from work, please indicate this information below:

Your signature _____

MSC/District Rep Signature _____

Please note you should have this sheet faxed to the CE(MSC/Dist)-EOC and a representative will calculate the time for your travel from your home district/division to TDY area. You will receive a copy of this sheet with a timesheet.

Thank you,

Emergency Management

EMERGENCY OPERATIONS TIME AND ATTENDANCE SHEET (EP 37-1-6)

NAME: (Last, First, MI) _____			Permanent Organization (Including Office Symbol): Emergency Assignment Site: _____											Dates Worked: From: _____ To: _____			
Pay Plan (GS, WG, etc) :																	
DATE			TYPE OF PAY														
Days of Week	IN	OUT	REG	REG W/ND	SCH OVT	UNS OVT	OVT W/ND	SUN PREM	HOL WKD	ANN LV	SICK LV	HOL LV	LWOP AWOL	TOTAL	FEMA MISSION ASSIGNMENT	LABOR CHARGE CODE	
SUN																	
MON																	
TUE																	
WED																	
THR																	
FRI																	
SAT																	
TOTAL																	
I certify that the above time record is accurate: _____ Employee's Signature			Approved: _____ Emergency Supervisor's Signature							I certify that the Labor Charge Code(s) are correct: _____ Home Station EOC					Posted to the Time and Attendance Report. _____ Home Station Timekeeper		

ENG FORM 6020-R, August 2005

(Proponent: CERM-BA)

NOTE: (1) All Overtime was authorized under the blanket approval, Work Schedule Memo dated _____, rather than by individual overtime authorization.

(2) A 30-minute unpaid LUNCH break is required during emergency operations.

****FOR OFFICIAL USE ONLY-PRIVACY ACT DATA****

EMERGENCY OPERATIONS TIME AND ATTENDANCE SHEET

DEFINITIONS FOR EMERGENCY OPERATIONS TIME AND ATTENDANCE SHEET

This is a spreadsheet. Sum of row across is total time at work. Sum of column down is total of each category.
Hours in regular administrative workday must total 8.

REG = Regular Pay; Usually 8 hours per day, 5 days per week; The “basic 8-hour administrative workday” is usually 0700-1530 which includes one-half hour break for Lunch.

REG W/ND = Regular Pay with Night Differential; If applicable, ND is authorized on Work Schedule Memo issued by Supported EOC. Part of the regular administrative workday and between 1800-0600 (usually applies only to 2nd or 3rd night shifts)

SCH OVT = Scheduled Overtime; Hours in excess of REG or Holiday Worked (HOL WKD) between 0600-1800 and scheduled as part of the regular tour of duty (typically 2.5 hours, 1530 - 1800).

OVT W/ND = Overtime with Night Differential; If applicable, ND is Authorized on the Work Schedule Memo issued by Supported EOC. Refers to Hours in excess of REG or HOL WKD between 1800-0600 and scheduled as part of the regular tour of duty (typically, 1.5 hours, 1800-1930).

UNS OVT = Unscheduled Overtime; Hours in excess of REG or HOL WKD and not scheduled as part of the regular tour of duty (typically before 0700 or after 1930)

SUN = Sunday Premium Pay; Used only when Sunday is part of the regularly scheduled basic 40-hour workweek.

HOL WKD = Holiday Hours Worked; (Maximum 8 Hours)

ANN LV = Annual leave (Generally not allowed, except when on authorized R & R)

SICK LV = Sick Leave

HOL LV = Holiday Leave (Paid holiday - Non-work status).

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